

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
October 3, 2003

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 3, 2003 from 12:00 noon until 3:00 p.m.

1. Members present. Robert R. Aylsworth, Brett J. Niemeyer, Daniel L. Pflum, Charles F. Pratt, R. Paulette Stagg, and Mary R. Harper, chair.
2. Minutes approved. The minutes for the meeting on June 6, 2003 were approved.
3. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
4. Guests present. Suzanne Finneran Clifford, Director, Division of Mental Health and Addiction, (DMHA) FSSA; Willard Mays, Assistant Deputy Director For Policy Development, DMHA; Dave Bozell, Juvenile Justice, Government Relations, DMHA; Betty Walton, Consultant, DMHA; Cheryl Shearer, Bureau Chief – Children’s Service, Division of Mental Health and Addictions (DMHA); Joseph Koenig, Executive Director, Indiana Criminal Justice Institute; Nikki Kincaid, Program Director, Juvenile Division, Indiana Criminal Justice Institute; Mark Goodpaster, Fiscal Analyst, Legislative Services Agency; and Laurie Elliott, Children’s Law Center.
5. \$20.00 ADR fee in paternity. The committee members reviewed the proposed standards and guidelines for the use of the \$20.00 ADR fee in dissolution and paternity cases. The \$20.00 fee will generate little money from paternity cases alone, since no filing fees are paid in Title IV-D cases and most other paternity cases. The committee recommended the word “currently” be added as indicated: “6. A party currently charged with or convicted of a crime under IC 35-42 or a crime in another jurisdiction substantially similar may not participate in the Plan.”
6. Mental health services for juveniles.
 - a. Suzanne Clifford, Director, Division of Mental Health and Addiction, gave a PowerPoint presentation on mental health services for juveniles.
 - b. Judge Pratt agreed to participate in the National Policy Institute for Children in Washington, D.C., Dec. 7-12 as a judicial representative of a team from Indiana discussing mental health policy for juveniles.
 - c. Betty Walton indicated a plan for the Medicaid waiver for children with serious emotional disturbances pilot project with DOE and DOC for 50 children is moving ahead. She is also the contact for the Systems of Care initiative at DMHA.
 - d. Suzanne Clifford indicated she wants to partner with juvenile court judges on dealing with juveniles found incompetent to stand trial.
 - e. A regional planning seminar will be held on Wednesday, October 22, 2003 from 10:00 a.m. to noon in the LaRue Carter Auditorium.
 - f. Suzanne Clifford distributed a briefing paper on children’s mental health.

7. Presentation by Mark Goodpaster.

a. Mark Goodpaster distributed a memorandum giving an overview of proposed changes to the juvenile code to update it with the Juvenile Justice Delinquency Prevention Act and federal rules in this area.

b. Mr. Bercovitz distributed past minutes of the Governor's Commission on Juvenile Law and a draft of statutory changes to the juvenile code from the Commission.

c. Committee members discussed the following: the placement of waived and excluded juveniles in juvenile detention centers after consulting the juvenile court judge; 24 hour secure detention of status offenders preadjudication; placement of repeat status offenders in secure detention regardless if the new status delinquent act is the same as the previous one; training for security staff in youth development issues when juvenile detention facilities are located on the same grounds as the adult jail; and the fiscal impact of amending the definition of shelter care facility for reimbursement under the family and children's fund and the juvenile justice delinquency prevention act.

8. Assessment of access to legal counsel. Laurie Elliott, Children's Law Center reported the Center is conducting an assessment of access by juveniles to legal counsel. A written survey was distributed to juvenile court judges and others, and 12 counties were selected for on-site visits in November and December 2003. She thanked Magistrate Stagg and Judge Lynn Murray for their participation on an advisory board to oversee this project. She plans to distribute a draft report and then a final report in March 2004.

9. Other business. Jeffrey Bercovitz:

a. Distributed a copies of minutes from the following juvenile related study committees: Interim Study Committee on Juvenile Law and Corrections; Commission on Mental Health; and the Interim Study Committee on Educational Achievement which is reviewing out of school suspension programs.

b. Distributed the following materials:

- Notice of presentation: Future Directions in Juvenile Justice, Gail Mumford, Missouri Division of Youth Services, Friday, Nov. 7, 2003, 1:00 p.m., Indiana Government Center, Conf. Rm. B
- Juvenile Law Services Reports, Division of State Court Administration
- **N.M. v. State**, 791 N.E.2d 802 (Ind. Ct. App. 2003) Juv. Ct. reversed when mother and child did not view advise of rights video.
- Bill of Rights for Foster Children, Foster Family Handbook – 2002
- Handouts: Budgets for Children's Services In 2002 By State Agency; Indiana Juvenile Incarceration Rate per 10,000 Resident Population
- Newspaper articles: "Another Official Resigns From Social Service Agency," August 20, 2003, Indianapolis Star; "Leading the Way to Protect Children," Editorial, August 28, 2003, Indianapolis Star; "Nemeth's Stand: Equal Justice For All Counties," Editorial, September 7, 2003, South Bend Tribune; "Beyond the Child Abuse Headlines, Programs Offer Reason For Hope," Editorial, September 7, 2003; "System Failing Mentally Ill Kids, Some Say," September 20, 2003; "Mental Facility Patient, 10, Steals Care, Then Crashes," September 26, 2003, Indianapolis Star; "Suspect, 13, Sent to Mental Facility," September 27, 2003, Indianapolis Star; "Official Quits Before First Day," October 2, 2003, Indianapolis Star.

10. Next meeting dates. The committee members agreed to cancel the November 7, 2003 meeting and attend a presentation by Gail Mumford, Missouri Youth Services, sponsored by the Juvenile Justice Task Force. They agreed to meet on the following dates: January 9, 2004, February 6, 2004, March 5, 2004, May 7, 2004, and June 4, 2004, all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law